

## Nominations for Posts at the Department of the Interior

May 18, 1993

The President announced today his intention to nominate Molly H. Beattie, the director of a Vermont public policy center and former State natural resources official, to be Director of the U.S. Fish and Wildlife Service. In addition, the President announced that his longtime environmental aide Kenneth Smith has been appointed the Fish and Wildlife Service's Deputy Director.

"Secretary Babbitt and I have placed a high priority on finding new ways to protect biological diversity without endangering economic growth," said the President. "The Fish and Wildlife Service will play a big role in that process. I have full confidence in the ability of Molly Beattie and Ken Smith to do the hard work and the fresh thinking that needs to be done."

NOTE: Biographies of the nominees were made available by the Office of the Press Secretary.

## Executive Order 12847—Amending Executive Order 11423

May 17, 1993

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to amend Executive Order No. 11423 of August 16, 1968, to provide for the issuance of permits for the full range of facilities that may be constructed and maintained on the borders of the United States, it is hereby ordered as follows:

**Section 1.** Section 1(a) of Executive Order No. 11423 is amended to read: "Except with respect to facilities covered by Executive Order Nos. 10485 and 10530, the Secretary of State is hereby designated and empowered to receive all applications for permits for the construction, connection, operation, or maintenance, at the borders of the United States, of: (i) pipelines, conveyor belts, and similar facilities for the exportation or importation

of petroleum, petroleum products, coal, minerals, or other products to or from a foreign country; (ii) facilities for the exportation or importation of water or sewage to or from a foreign country; (iii) facilities for the transportation of persons or things, or both, to or from a foreign country; (iv) bridges, to the extent that congressional authorization is not required; and (v) similar facilities above or below ground."

**Sec. 2.** Section 1(b) of Executive Order No. 11423 of August 16, 1968, is amended by deleting the text "subsection (a)(iii) or (iv)" and by inserting "subsection (a)(iii), (iv) or (v)" in lieu thereof.

**Sec. 3.** All permits heretofore issued with respect to matters described in section 1 of Executive Order No. 11423, and in force at the time of issuance of this order, and all permits issued hereunder, shall remain in effect in accordance with their terms unless and until modified, amended, suspended, or revoked by the appropriate authority.

William J. Clinton

The White House,  
May 17, 1993.

[Filed with the Office of the Federal Register, 11:48 a.m., May 19, 1993]

NOTE: This Executive order was released by the Office of the Press Secretary on May 19, and it was published in the *Federal Register* on May 20.

## Permit Authorizing Canadian Interests To Construct a Replacement Railway Tunnel

May 17, 1993

By the authority vested in me as President by the Constitution and laws of the United States of America, I hereby grant permission to Permittees, the Canadian National Railway Company, a Canadian Corporation with its principal offices in Montreal, Quebec, and its wholly-owned U.S. subsidiary, the Grand Trunk Corporation, a Delaware corporation with its principal offices in Detroit, Michigan, and any jointly owned subsidiaries, to

construct, operate, and maintain an international railway tunnel across the international boundary between the United States and Canada, between Port Huron, Michigan, and Sarnia, Ontario, Canada, under the St. Clair River.

I have reviewed the application of the Permittees and find that the issuance of a Permit would serve the national interest. The Department of State, Department of Defense, Department of Interior, Department of Justice, Department of Transportation, Department of the Treasury, and the Federal Emergency Management Agency have raised no objection to issuance of the Permit. Pursuant to the Rivers and Harbors Appropriations Act of 1899, 33 U.S.C. § 403, the Corps of Engineers has also determined that the issuance of a Permit is appropriate and consistent with the public interest.

The term "facilities" as used in this permit means the rail tunnel and any land, structures, installations or equipment appurtenant thereto.

The term "United States facilities" as used in this permit means that part of the facilities in the United States.

As stated in Permittees' application of May 8, 1992, for a permit, including their accompanying submission of a feasibility study entitled "St. Clair, Initial Environmental Evaluation/Environmental Study Report," dated February 1992, and subsequent exchange of information, the United States facilities of the rail tunnel will consist of the following major components:

- A new tunnel bored beneath the St. Clair River, and deepening the existing open cuts on the Port Huron, Michigan, approach to develop portals for construction of the tunnel.
- The summit-to-international boundary length of the project within the United States is 5,853 feet (of a total summit-summit length of 12,726 feet). The length of the new tunnel, U.S. portal to international boundary, is approximately 2,749 feet (of a total portal-portal length of 6,136 feet).
- The new tunnel is located approximately on a tangent with an 89 foot offset north of the existing tunnel. A horizontal curve in the Sarnia, Ontario, portal narrows

the difference in tunnel centerlines to 55 feet at the exit of the Sarnia, Ontario, portal. The vertical alignment is based on a maximum grade of 2.1 percent. The tunnel will have a downgrade of 1.8 percent from the Sarnia portal and 2.1 percent from the Port Huron portal with 0.35 percent grade under the river. The tunnel will have a minimum of 15 feet of cover over the crown under the river portion of the project. The interior diameter of the finished tunnel will be approximately 27 feet, 6 inches.

- The tunnel will be used for rail transport of freight and passengers.

This permit is subject to the following conditions:

**Article 1.** The United States facilities and operations herein described shall be subject to all the conditions, provisions, and requirements of this permit or any amendment thereof. This permit may be terminated at the will of the President of the United States of America, the Secretary of State of the United States of America or the Secretary's delegate or may be amended by the President, the Secretary of State or the Secretary's delegate at will or upon proper application therefor. Permittees shall make no substantial change in the location of the United States facilities or in the operation authorized by this permit until such changes shall have been approved by the President of the United States of America, or the Secretary of State of the United States of America or the Secretary's delegate.

**Article 2.** The construction, operation, and maintenance of the facilities shall be in all material respects as described in Permittees' application of May 8, 1992, and documentation submitted in support thereof.

**Article 3.** The construction, operation, and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of any Federal or State agency concerned. The Permittees shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities as is necessary for the performance of their official duties.

**Article 4.** Permittees shall comply with all applicable Federal and State laws and regulations regarding the construction, operation,

and maintenance of the United States facilities.

**Article 5.** Upon termination, revocation, or surrender of this permit, and unless otherwise agreed by the President of the United States of America or the Secretary of State of the United States of America or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary line shall be filled in by and at the expense of the Permittees within such time as the President or the Secretary of State or the Secretary's delegate may specify, and upon failure of the Permittees to remove this portion of the United States facilities as ordered, the President or Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed at the expense of the Permittees; and the Permittees shall have no claim for damages by reason of such possession or removal.

**Article 6.** This permit is subject to the limitations, terms, and conditions contained in any order issued by any competent agency of the United States Government or of the State of Michigan with respect to the United States facilities. This permit shall continue in force and effect so long as the Permittees shall continue the operations hereby authorized in accordance with such limitations, terms, and conditions.

**Article 7.** When, in the opinion of the President of the United States of America, the national security of the United States demands it, due notice being given by the Secretary of State of the United States of America or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes; and thereafter to restore possession and control to the Permittees. In the event that the United States shall exercise such right, it shall pay to the Permittees just and fair compensation for the use of such United States facilities upon the basis of reasonable profit in normal conditions as existed at the time of entering and taking over the same, less the reasonable value of any im-

provements that may have been made by the United States.

**Article 8.** Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified to the Department of State in writing. This permit shall remain in force, subject to all the conditions, provisions, and requirements of this permit or any amendments thereof.

**Article 9.** (1) The Permittees shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operations.

(2) The Permittees shall save harmless the United States from any claimed or adjudged liability arising out of the construction, operation, or maintenance of the facilities.

**Article 10.** The Permittees shall acquire such right-of-way grants, easements, permits and other authorizations as may become necessary and appropriate.

**Article 11.** The Permittees shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or Permittees' activities and operations in connection therewith, as are now, or as may hereafter be required under any laws or regulations of the Government of the United States or its agencies.

**In Witness Whereof,** I, William J. Clinton, President of the United States of America, have hereunto set my hand this seventeenth day of May, 1993 in the City of Washington, District of Columbia.

**William J. Clinton**

[Filed with the Office of the Federal Register, 12:02 p.m., May 19, 1993]

NOTE: This permit was released by the Office of the Press Secretary on May 19, and it was published in the *Federal Register* on May 20.

## **Exchange With Reporters During a Luncheon With Business Leaders**

*May 19, 1993*

### **Energy Tax**

**Q.** Mr. President, do you think you can persuade these business leaders that your en-